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AN INDEPENDENT NEWSPAPER

## Lab Report

**T**HE IMMEDIATE problem for the Justice Department following the release this week of its inspector general's report on the FBI laboratory is damage control. It is a certainty that a substantial number of people convicted, in part, on the basis of evidence processed by the lab will seek new trials. It is a sure thing that lawyers handling appeals in still active cases like the World Trade Center bombing will have new ammunition in arguing for reversals. And it is already clear that the prosecutors in the Oklahoma City case have been severely hampered as a result of errors made by lab examiners. The department, and the report itself, confidently claim that no real harm has been done; that errors did not affect the outcome of trials and that none of the FBI personnel actually broke the law. We are not at all confident that these assurances are justified.

Even more troubling, though, are institutional problems revealed in the report. These include the failure of oversight, sloppy record-keeping, inadequate training programs and administrative foul-ups highlighted by the report. To the genuine surprise of judges, lawyers—including the defense bar—forensic scientists not affiliated with the lab, crime writers, moviegoers and others who have some familiarity with the criminal justice system, this institution is not at all the infallible paragon it was advertised and believed to be.

While many of the personnel—including the whistle-blower, Frederic Whitehurst—have impres-

sive academic credentials in the sciences, many others, including those who testify in court, have none except for in-house courses and experience as field investigators. Moreover, some of those implicated in the report appear to have no compunction about tailoring their scientific findings to fit the evidence gathered against a particular defendant. Nor have they been reluctant, according to the report, to testify confidently about matters far beyond their competence.

Mistakes were not only ignored, they were sometimes rewarded. One examiner whose work had been the subject of complaints from prosecutors and co-workers for years was found, after numerous investigations, to be deserving of "severe reprimand." Instead, he received a verbal warning and a \$500 award for his recent work. Another who made significant errors in the World Trade Center case was subsequently assigned to the even more important Oklahoma City bombing, where the same mistakes were repeated.

These are the kinds of problems that won't be corrected by an administrative reorganization. They go to the culture of the institution, the perhaps unconscious bias of the examiners toward the prosecution and the disinclination of supervisors to hold personnel to a high, truly scientific standard. It is no overstatement to say that public confidence in the government's premiere forensic experts has been undermined. That will have a continuing impact on jury behavior and the entire criminal justice system.